

**Pepper Hamilton LLP**  
Attorneys at Law

JUL 21 2005

50th Floor  
500 Grant Street  
Pittsburgh, PA 15219-2502  
412.454.5000  
Fax 412.281.0717  
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ID Number: 61297  
Identifier: 126381.00901

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Attorneys at Law

50th Floor  
500 Chase Street  
Pittsburgh, PA 15219-2502  
412.454.5000  
Fax 412.281.0717  
www.pepperlaw.com

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Comments: ATTACHED IS A REQUEST FOR RECONSIDERATION OF DECISION ON PETITION FOR UNINTENTIONALLY DELAYED CLAIM OF PRIORITY UNDER 37 C.F.R. §1.78(A) FOR SERIAL NO. 10/073,622

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Attorneys at Law

50th Floor  
500 Grant Street  
Pittsburgh, PA 15219-2502  
412.454.5000  
Fax 412.281.0717  
www.pepperlaw.com

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<u>Recipient's Name</u>	<u>Company</u>	<u>General Number</u>	<u>Fax Number</u>
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Coversheet Page 1 of 1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Wolfgang Daum et al.  
Application No. : 10/078,622  
Filing Date : February 19, 2002  
Group Art Unit : 3731  
Confirmation No. : 5614  
Examiner : Glenn K. Dawson

For: STENT AND METHOD FOR DRUG DELIVERY FROM STENTS

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

**REQUEST FOR RECONSIDERATION OF DECISION ON PETITION FOR UNINTENTIONALLY  
DELAYED CLAIM OF PRIORITY UNDER 37 C.F.R. §1.78(A)**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Sir:

Applicants are in receipt of the Decision Dismissing Petition under 37 CFR §1.78(a)(3). Applicants had requested by Petition filed May 17, 2005, that the above-referenced application be accorded a claim of priority to U.S. Non-Provisional Application No. 10/044,475 filed January 10, 2002, now U.S. Patent No. 6,786,904 issued September 7, 2004. The Petition was dismissed for failure to supply the reference as required by 35 U.S.C. §120 and for failure to indicate the relationship of the prior filed application as required by 37 CFR §1.78(a)(2)(i). Applicant respectfully requests reconsideration of the subject Petition and submits the following:

1. With respect to the relationship of the applications, Wolfgang Daum is a common inventor in both Application Serial No. 10/078,622 and U.S. Patent No. 6,786,904. In

1. With respect to the relationship of the applications, Wolfgang Daum is a common inventor in both Application Serial No. 10/078,622 and U.S. Patent No. 6,786,904. In addition, Application Serial No. 10/078,622 is a continuation in part of U.S. Patent No. 6,786,904.

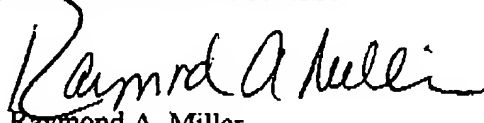
2. Applicants have submitted a revised Applicant Data Sheet which clarifies the relationship between the applications and further clarifies the priority claim to U.S. Provisional Application No. 60/273,850 and further to U.S. Non-Provisional Application No. 10/044,475 filed January 10, 2002, now U.S. Patent No. 6,786,904 issued September 7, 2004.

In light of the above remarks and enclosures, Applicants respectfully request that the Petition for Unintentionally Delayed Claim of Priority under 37 C.F.R. §1.78(a) filed on May 17, 2005, be granted.

No fee is believed to be due for this submission as the Petition Fee was previously paid. The Commissioner is hereby authorized to charge any additional payment of fee or credit any overpayment or refund to Deposit Account No. 50-0436.

Respectfully submitted,

PEPPER HAMILTON LLP



Raymond A. Miller  
Reg. No. 42,891

One Mellon Center, 50<sup>th</sup> Floor  
500 Grant Street  
Pittsburgh, PA 15219  
Phone: (412) 454-5000  
Fax: (412) 281-0717  
Date: July 20, 2005

Attorney Ref.: 126381.00901

**CERTIFICATE OF FACSIMILE UNDER 37 C.F.R. §1.6 & §1.8**

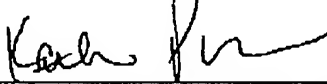
Applicant:	Daum, et al.	Examiner:	Dawson
Serial No.:	10/078,622	Group Art Unit:	3731
Filed:	January 10, 2002	Docket No.:	126381.00901
Title:	Stent and Method for Drug Delivery from Stents		

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I hereby certify that this "SUPPLEMENT AMENDMENT AND RESPONSE TO OFFICE ACTION" and is being sent via facsimile to fax number 571-273-8300 under 37 C.F.R. §1.6 & §1.8 on July 21, 2005.

Kathleen Pujol

(Typed/printed name of person mailing paper or fee)



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**Documents Faxed:**

1. Supplemental Amendment and Response to Office Action
2. Copy of Request for Reconsideration Petition to add unintentionally delayed claim of priority
3. Certificate of Facsimile